

AMENDED IN SENATE APRIL 8, 2003

AMENDED IN SENATE MARCH 6, 2003

SENATE BILL

No. 60

Introduced by Senator Cedillo

(Principal coauthor: Senator Murray)

(Coauthors: Senators Escutia, Kuehl, and Vasconcellos)

*(Coauthors: Assembly Members Calderon, Diaz, Firebaugh, Koretz,
Lieber, Mullin, and Nunez)*

January 15, 2003

An act to amend Sections 1653.5, 12800, 12801, and 12801.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as amended, Cedillo. Vehicles: social security *account* number: driver's licenses: identification cards.

(1) Under existing law, every form prescribed by the Department of Motor Vehicles for use by an applicant for the issuance or renewal by the department of a driver's license or identification card is required to contain a section for the applicant's social security account number. Existing law requires an applicant who submits one of those forms to the department to furnish the appropriate number in the space provided. Existing law prohibits the department from completing an application that does not include the applicant's social security account number. Existing law prohibits the department from including an applicant's social security account number on a driver's license, identification card, registration, certificate of title, or any other document issued by the department. Existing law declares that information obtained by the department regarding an applicant's social security account number is

not a public record and prohibits the department from disclosing that information except in specified circumstances.

This bill would require those forms to contain a section for either the applicant's social security account number or federal taxpayer identification number. *The bill would allow an applicant for a driver's license who does not possess a social security account number, but who submits a specified affidavit signed under penalty of perjury and a federal taxpayer identification number or other identifier that is deemed appropriate by the department, to submit those documents to the department in lieu of a social security account number. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.* The bill would also prohibit the department from including an applicant's federal taxpayer identification number on a driver's license, identification card, registration, certificate of title, or any other document issued by the department. The bill would declare that information obtained by the department regarding an applicant's taxpayer identification number is not a public record and would prohibit the department from disclosing that information, except in specified circumstances.

(2) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law and prohibits the department from issuing a license or card to a person who does not do so. Existing law requires the department to adopt regulations, including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards.

This bill would repeal those requirements.

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.



The people of the State of California do enact as follows:

SECTION 1. Section 1653.5 of the Vehicle Code is amended to read:

1653.5. (a) Every form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for either the applicant's social security account number or federal taxpayer identification number.

(b) Every form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) A person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number or federal taxpayer identification number, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number in the space provided.

(d) The department may not complete an application that does not include the applicant's social security account number or federal taxpayer identification number, or driver's license or identification card number as required by subdivision (c).

(e) An applicant's social security account number or federal taxpayer identification number may not be included by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other provision of law, information regarding an applicant's social security account number or federal taxpayer identification number, obtained by the department pursuant to this section, is not a public record and may not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

SEC. 2. Section 12800 of the Vehicle Code is amended to read:

12800. Every application for an original or a renewal of, a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and social security *account* number or federal taxpayer identification number.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 3. Section 12801 of the Vehicle Code is amended to read:

12801. (a) (1) Notwithstanding any other provision of law, the department shall require every application for a driver's license

1 to contain the applicant's social security *account* number or federal
2 taxpayer identification number, and any other number or identifier
3 determined to be appropriate by the department.

4 (2) *If an applicant signs an affidavit under penalty of perjury*
5 *attesting that he or she does not possess a social security account*
6 *number and submits a federal taxpayer identification number or*
7 *other identifier that is deemed appropriate by the department, the*
8 *submission of those documents shall be acceptable to the*
9 *department in lieu of a social security account number until the*
10 *applicant obtains a social security account number. Upon*
11 *obtaining a social security account number, the applicant shall*
12 *provide the department that number under paragraph (1).*

13 (b) Notwithstanding any other law, the social security number
14 or federal taxpayer identification number collected on a driver's
15 license application may not be displayed on the driver's license,
16 including, but not limited to, inclusion on a magnetic tape or strip
17 used to store data on the license.

18 SEC. 4. Section 12801.5 of the Vehicle Code is amended to
19 read:

20 12801.5. (a) Notwithstanding Section 40300 or any other
21 provision of law, a peace officer may not detain or arrest a person
22 solely on the belief that the person is an unlicensed driver, unless
23 the officer has reasonable cause to believe the person driving is
24 under the age of 16 years.

25 (b) The inability to obtain a driver's license does not abrogate
26 or diminish in any respect the legal requirement of every driver in
27 this state to obey the motor vehicle laws of this state, including
28 laws with respect to licensing, motor vehicle registration, and
29 financial responsibility.

30 SEC. 4. *No reimbursement is required by this act pursuant to*
31 *Section 6 of Article XIII B of the California Constitution because*
32 *the only costs that may be incurred by a local agency or school*
33 *district will be incurred because this act creates a new crime or*
34 *infraction, eliminates a crime or infraction, or changes the penalty*
35 *for a crime or infraction, within the meaning of Section 17556 of*
36 *the Government Code, or changes the definition of a crime within*
37 *the meaning of Section 6 of Article XIII B of the California*
38 *Constitution.*